

# Hints to Both Parties

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HINTS  
TO  
BOTH PARTIES;  
OR  
OBSERVATIONS  
ON THE  
PROCEEDINGS IN PARLIAMENT  
UPON THE  
*PETITIONS AGAINST THE ORDERS IN COUNCIL,*  
AND ON THE  
CONDUCT OF HIS MAJESTY'S MINISTERS  
IN  
GRANTING LICENCES TO IMPORT THE STAPLE COMMODITIES OF THE ENEMY.

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Tros Tyriusque mihi nullo discriminine agetur.  
ÆNEID. Lib. I.

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NEW-YORK:  
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1808.



## ADVERTISEMENT.

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SINCE this pamphlet was sent to the press, it has been announced in the daily papers, that his Majesty's Ministers have resolved in council to grant no more licenses for the importation of wines and brandies from France.\* This judicious and important regulation, has certainly for the moment, superseded the necessity of the reasoning that will be found in some of the following pages : but as the best medical authorities recommend, that during the intermission of the disease, such medicines should be administered as may prevent a return of the paroxysm ; so the author flattering himself that his advice may save his Majesty's Ministers from a relapse, or produce the still more salutary effect of inducing them to adopt in its fullest extent the principle for which he contends, gives what he has written to the public, without any alteration.

\* Extract from *Council-Minute*, of 19th July, 1808.—From this time, no licenses shall be granted for importations from France, except for grain, provisions of all sorts, not being salted, (beef or pork,) seeds, articles used by dyers, rags, oak-bark, turpentine, hides, skins, wax, raw materials, and tallow....(*Morning Post*, July 28.)

LONDON, Aug. 1, 1808.



## HINTS,

&c.



THE present recess of Parliament cannot be more usefully employed, than in taking an impartial retrospect of some of those important proceedings, which occupied so great a portion of the time and attention of the legislature, during the late session. In the execution of this task, it will be necessary on the one hand, to expose the fallacies and misrepresentations by which the Opposition attempted to excite a prejudice, in the minds both of Parliament and the public, against the Orders in Council; and on the other hand, to animadvert upon that wavering policy, by which his Majesty's Ministers, instead of steadily pursuing their great avowed object, of "retaliating upon the enemy the "evils which he intended to inflict upon the trade and "commerce of these kingdoms," are not only departing from, but even counteracting that system, on which they profess to found their hopes of securing a successful termination to the present contest.

As the writer who alternately blames the conduct, both of Ministers and their opponents, can expect to please neither, so may he flatter himself, that in publishing sentiments at which all parties may take umbrage, truth and impartiality alone will be found to guide his pen; and that he will obtain credit with a candid public, for being actuated by a sincere and zealous wish to promote the true interests of the country.

It might have been expected that the examinations of the petitioners against the Orders in Council, which took place in both Houses of Parliament, would have led to such farther discussions as would have rendered one part of the present undertaking unnecessary; but the result of the evidence seems to have damped the

ardour and disappointed the expectations, if not to have changed the sentiments of the Opposition, respecting the Orders in Council; for it may fairly be inferred, that had they still continued to consider them as another Pandora's box, from which evils were perpetually issuing all over the empire, they would have hastened to shut the lid, by closing the proceedings of the committee, in order to found upon the report such resolutions as were calculated to put an end to their mischievous operation. No such attempt being now to be expected; the House of Commons, after going into the committee on the petitions respecting the Orders in Council, day after day, and merely resolving, that "this House will on such a future day again resolve itself into the said committee," having at length been prorogued; in the absence of all farther parliamentary elucidation of this important subject, some account of the proceedings of these petitioners, with an inquiry how far their allegations have been supported by evidence, and a few general remarks on the policy of the Orders in Council, appear necessary for the information and satisfaction of the public.

An additional inducement to take up this topic, has been furnished by the Edinburgh Reviewers; who, in their last number, under the guise of "A review of Mr. Baring's inquiry into the causes and consequences of the Orders in Council, the speech of Lord Erskine on moving resolutions in the House of Lords, against the legality of the Orders in Council, and Mr. Brougham's speech before the House of Commons, in support of the petitions against the Orders in Council," after premising to give a candid and impartial sketch of the subject, have indulged themselves in such violations of candour and impartiality, as ought not to pass unnoticed. Some of these will be commented upon in an appendix to this pamphlet, containing the evidence by which the statements in it are supported, and the documents to which they refer.

The petitions against the Orders in Council, had their origin in a meeting of the merchants and manufacturers of this metropolis, interested in the trade to America; which, in the month of March last, was convened at the London Tavern, by public advertise-

ment. At that meeting, of which Mr. Alexander Baring was chairman, a petition against the Orders in Council was proposed from the chair, but rejected by a very decided majority, who came to a resolution, that " pending the present important discussions between Great Britain and America, any petition to Parliament respecting the Orders in Council, was unnecessary and inexpedient." Notwithstanding this decision, the disappointed minority persisted in signing and presenting their rejected petition; and their conduct in so doing may be compared to that of the disappointed author, who after his piece has been damned upon the stage, prints it "to shame the rogues." As in such cases the judgment of the public generally follows that of the audience, so, in this case, the judgment of Parliament has confirmed that of the meeting.

His Majesty's Ministers, in acceding to the prayer of the petitioners to be heard by counsel and evidence, shewed a very laudable readiness to submit the policy of their measures to the strictest examination: though had they thought proper to deny them this privilege, they would but have followed the example of their predecessors, who, when in office, refused to hear evidence on behalf of the petitioners against the American Intercourse Bill; and notwithstanding the versatility of talent which those gentlemen possess, it is difficult to conceive with what arguments they could on this occasion have contended, that American interests ought to be heard against those of Great Britain, after having then contended, that British interests ought not to be heard against those of America.

The merits of the Orders in Council have received so full and elaborate a discussion in both houses of Parliament, that it must require a very strong case indeed, some very new and extraordinary circumstances, to induce them to rescind their former decisions. Even if the petitioners had proved in evidence, what they have not proved, that the inconveniences of which they complain were owing to the Orders in Council, still it would have remained a question of expediency, whether a regard to their interests as individuals would justify Parliament in recommending to his Majesty, to forego the general benefits to the empire at large, which the Or-

ders in Council are expected to produce. But so far from having proved, that the inconveniences which they suffer are to be attributed to the Orders in Council, they have proved them to originate in other causes, over which this Government has no control; or at least can exercise no other control, than by enforcing the Orders in Council; and thus obliging the enemy to retract those measures by which he labours to depress the commercial and manufacturing interests of the British empire.

From the mass of evidence which the petitioners have produced in support of their leading allegation, that "the Orders in Council must be productive of the most fatal consequences to the interests, not only of the petitioners, but of the commerce and manufactures of the empire at large," it appears that the interruption of their accustomed intercourse with America, is to be imputed to a variety of other causes, prior to, and unconnected with the Orders in Council. The Non-importation Act passed by America in 1806; the proposition then made in her House of Representatives for the confiscation of British debts; the right exercised by Great Britain of searching her vessels for British seamen; the rencontre that took place last summer between the Leopard and the Chesapeake; the renewal of the Non-importation Act last autumn; are all proved to have contributed to check the confidence, and diminish the intercourse between this country and America. This intercourse was further interrupted by the measures of the enemy; by the Berlin decree, of November 1806, and the subsequent enforcement of that decree in September last. So that, in point of fact the Orders in Council were not the cause, but the consequence of the interruption thus occasioned; and were intended, by retaliating on the commerce of the enemy, the prohibitions which he had decreed and carried into effect against the commerce of Great Britain, to impose upon him the necessity of drawing those supplies from this country, which he can now procure from no other quarter, and thus remedy the evils arising from that stagnation of trade, of which the petitioners, in common with their fellow-subjects, have at present reason to complain.—(Appendix, a.)

The petitioners then express their apprehensions, that the Orders in Council are likely to interrupt our "peace with the United States of America." Lord Grenville is said to have asserted in the House of Lords, that they would be answered by an immediate declaration of war; but the event has proved the apprehensions, both of his lordship and the petitioners, to be groundless. Hostilities with America may indeed be apprehended, not from the Orders in Council, justified as they are by the unanswerable arguments of retaliation and self-defence; but from those exaggerated representations of the importance of her commerce to this country, which have been made, both in Parliament, and in publications whose circulation is widely diffused (*b*); and which may teach her to set up pretensions, to which neither the honour nor the interest of Great Britain will permit her to accede. Hostilities with America may indeed be apprehended from those publications which represent Great Britain as the aggressor, and America as the injured party, in all the disputes between the two countries (*c*). They may indeed be apprehended from her being taught to believe, that she has a strong party in her favour here; and being thus induced to hazard measures, on which she would otherwise never venture: and those who advocate the cause of America, ought to consider, that the surest way of averting hostilities with her, is by shewing her that we are an united people, who know how to sacrifice all considerations of individual interest, when they come in competition with the general good.

The next allegation of the petitioners, is, "that the neutrality of America has been the means of circulating to a large amount, articles of the produce and manufacture of this country, in the dominions of our numerous enemies, to which we have no direct access." The evidence given on this point is very imperfect (*d*); but it appears from official documents in Mr. Alex. Baring's inquiry into the causes and consequences of the Orders in Council (*e*), that British manufactured goods to a considerable amount are annually re-exported from America; and that their principal destination is to the colonies of the enemy (*f*). It should however be considered that though we have no direct access, yet we have an indirect access to those colonies, by means of

our free ports in the West Indies ; and that if this trade were not carried on by America, it would be carried on by Great Britain through this channel (*g*), with the additional advantage of being carried on in British ships, instead of American ships ; and thus contribute to the increase of that maritime strength, which is the best bulwark of the British empire. There is one very important fact connected with this trade of supplying the enemy's colonies with manufactures, which the petitioners have kept altogether in the back ground. It appears by the publication which has already been quoted, that America annually imports from the European powers with whom we are at war, goods to a very large amount ; and a great proportion of these goods, is so imported for the use of the hostile colonies. During that period of the late war, when a misunderstanding existed between France and America, which prevented her carrying on her usual trade between the Continent of Europe and the hostile colonies, our manufacturers were encouraged to imitate foreign goods of almost every description, and large quantities of them were exported from Great Britain to the free ports in the West Indies, for the supply of those markets : but, when America renewed her commercial intercourse with France, that trade was lost to Great Britain ; the copies were no longer received, when America furnished the originals (*h*). Thus America, by her agency, not only circulates the manufactures of the enemy to every part of the globe without interruption ; but circulates them where those of Great Britain would otherwise find their way : and as Great Britain could, and her enemies could not carry on this commerce without her assistance, no doubt can remain to which of the two parties her neutrality is most beneficial.

The next assertion of the petitioners, that “ the annual value of British manufactures exported to America exceeds 10,000,000l.” may be correctly true ; but, as has been before observed, a great part of these goods is imported for re-exportation, and would find its way to the same markets, if not sent there by America. In fact the only part of our exports to America which appears to be really advantageous to Great Britain, is that which consists of goods intended for her own consump-

tion. All the rest of those exports, the amount of which is so much vaunted, may be considered as being to the commerce of this country, what a wen is to the human body. It is a mischievous swelling, drawing to itself all those juices which should supply nourishment to the vital parts of the frame ; and the constitution will never be sound or vigorous, nor the circulation restored to its proper channels, till this excrescence be amputated. We have indeed deferred the operation till we are alarmed at its magnitude ; but the longer it is deferred, the more will the danger be increased. The immense amount of our exports to America, is already urged as a reason why we should abstain from any measures that may expose us to her displeasure. The more these exports are extended, the greater strength will this argument acquire ; and when it becomes so powerful as to bind us to forego any measures, however necessary they may be either to counteract the designs of the enemy, or to support our dearest rights, where then will be our independence ? Instead of being that high-spirited nation, whose love of freedom prompted, and whose valour enabled her to maintain her rights against a host of foes, we shall then indeed be justly stigmatized as a nation of shopkeepers, and sink, from our love of gain, into the servile vassals of America.

We are next told that "the debts due from America to this country amount to 12,000,000*l.* which the Orders in council will prevent her from paying." No actual statement of this balance could be made without returns from every commercial house in the kingdom connected with America ; but the petitioners calculate that the annual shipments amount to 10,000,000*l.* and that the avarage credit is fifteen months (*i*). This estimate however appears to be fallacious ; for some of the petitioners state in evidence, that they give no credit to America, but merely ship goods in return for cargoes of produce (*k*). It is notorious that the discount allowed on many articles, for ready money, is as high as 20 per cent. It clearly follows, that the shippers to America will avail themselves of this advantage, as far as their capital enables them so to do ; and that they have capital in abundance, we learn from one of the witnesses who has long resided in America (*l*). Very different senti-

ments respecting the state of the account between the two countries are expressed by Mr. Macall Medford, a gentleman who lately published a pamphlet on the subject of British, American, and West India interests, and whose work stands high in the estimation of those acute and impartial judges of literary merit, the Edinburgh Reviewers (*m*). He asserts, that there is more property in England belonging to America, than is due to England from America; and assigns reasons for this opinion (*n*). Two causes render it probable that Mr. Medford is nearer the truth than the petitioners. The first is, that America certainly possesses a very great capital (*o*), derived either from the produce of her soil, or the profits of her neutral commerce: and the second, that the political state of the two countries for some time past, must have diminished the readiness of our merchants and manufacturers to give very extensive credits to America; for it cannot be believed, that men should envy the situation of Damocles, and voluntarily sit down to the commercial banquet prepared for them by their American friends, with a naked sword suspended over their heads by a single hair.

But even admitting the assertion to be true, that America is actually indebted to us 12,000,000*l.* how does it follow that the Orders in Council will prevent her from paying her debts to this country? It appears by the official returns laid before the House of Representatives, by the Treasury Department of America, that her exports of domestic produce, amounting to more than forty millions of dollars per annum, furnish ample funds for this purpose. It may however be said, that all the produce of America is not calculated for the home consumption of Great Britain; but it still remains to be proved, that the wants and interests of individuals would not find the means of re-exporting the surplus, in spite of the decrees of Buonaparte. However, waving for a moment this argument.—The exports from the United States of America to Great Britain, in articles of her domestic produce, amounted in 1805, to more than twenty millions of dollars. This too is the bare official value of that produce in America, without either freight, insurance or charges. To this is to be added, the greatest part of her supplies to the British West India colonies;

for the only produce which she takes from them in return, is about 37,000 puncheons of rum, not worth more than 400,000*l.*; and the balance is probably not less than three times that amount. These funds would nearly, if not wholly, pay for all the British goods <sup>which</sup> uses for her own consumption; and therefore, if she were confined to that trade, the necessity of circuitous remittances by way of the Continent, would be, in a great degree, if not entirely, avoided. It is true, as proved in the evidence of the petitioners, that the proceeds of cargoes of foreign produce, shipped from America to the Continent of Europe, are frequently applied to the payment of British manufacturers; for the parties who have a right to draw on those cargoes, sell their bills indiscriminately to whoever will purchase them: but as has been already observed, if America were confined to her legitimate trade, her domestic produce would nearly provide her with sufficient means of carrying it on.

Mr. Baring has not given an impartial statement of the balance of trade between Great Britain and America; he says, page 142,

" From Great Britain and her dependencies, we  
" have seen that America imports the value of . . . . £ 8,093,000  
" That she exports to them . . . . . £ 5,200,000

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" Leaving a balance in our favour of . . . . . £ 2,893,000  
" which must be paid to us by the Continent of Europe from the pro-  
" ceeds of consignments from America to Holland, France, Spain,  
" Italy, &c.; and which we know to be the case by the large remit-  
" tances received from those countries for American account," (page  
142). " It should also be observed, that the three years above-men-  
" tioned, included one of extraordinary scarcity in this country; du-  
" ring which our importation of provisions was unusually large; so  
" that upon the whole, probably it would be no exaggeration to say,  
" that we should draw from the Continent of Europe between four and  
" five millions sterling annually, in return for the manufactures sent  
" to America, and for which that country has no other means of pay-  
" ment," (page 143).

No year of scarcity is included in this period; the years of scarcity were 1800 and 1801, and our great import of corn from America was in the latter of those years, for it appears by Mr. Gallatin's official report, that the exports from America to Great Britain and her dependencies, for the year ending the 30th of September,

1801, amounted to 42,132,000 dollars, or 9,479,000*l.* which sum being added to Mr. Baring's estimate of our average imports from America for the three subsequent years, will make the average for the four years 6,26*£* 25*l.* Our exports to America in 1801, amounted to 7,52*£* 000*l.*; making the average export for the same four years 7,950,500*l.*; leaving a balance of 1,680,575*l.* which Mr. Baring states, (and he says without exaggeration,) at between four and five millions. When it is further considered, that almost the whole of this commerce is carried on in American vessels, that the greatest proportion of the most bulky commodities of that country, particularly of her lumber, the freight of which is double the prime cost, is shipped to Great Britain or her West India colonies, and that in this estimate no allowance whatever is made for freight; it may reasonably be doubted whether any balance remained upon the commerce between the two countries for those four years, to be provided for by the proceeds of consignments to the Continent of Europe.

Mr. Baring has fallen into a similar error, in treating of the general commerce of America. He states her average importations from all parts of the world, for the years 1802, 3, and 4, at 16,950,000*l.* (page 139); and her average exports during the same period, at 15,400,000*l.* (page 140); thus making a balance of trade against her of 1,550,000*l.* per annum. Aware, however, that this statement is totally irreconcileable with the rapidly increasing opulence of America, he observes, (page 141)

"The balance which this statement would leave against America, must arise from the mode of stating the accounts. Probably it is in her favour; but not much, as her demand for European articles will naturally be regulated by her means of paying for them."

Is it possible that it should never have occurred to the intelligent mind of Mr. Baring, that there was such a thing in existence as an American vessel? and that the freight paid to the American ship-owner constitutes part of the value of the American exports, just as much as the costs of the produce paid to the American farmer or planter? The tonnage of American shipping, as appears by their official reports, amounted in 1805, to 1,443,453 tons. The annual profit of this tonnage, un-

der the advantage which America has enjoyed of being the great neutral carrier for the belligerent powers, may reasonably be estimated at 4*l.* per ton, or near 6,000,000*l.* per annum. Here then is the solution of the difficulty which appears to have puzzled Mr. Baring; and thus is that balance of trade in favour of America, which she has evidently enjoyed, at once accounted for. The demand from America for European articles, will not be regulated, as Mr. Baring supposes, by her means of paying for them—but by her wants; and after these are supplied, her surplus profits will accumulate, as they indisputably have done, in the establishment of banks, insurance companies, and other public institutions, requiring large capital, or in the hands of individuals who employ it in extending their commercial speculations.

At present, Great Britain is the bank in which all the remittances of America centre. This is owing to various causes. To the high opinion entertained of the solidity of British merchants; and the greater accommodation, in point of advances, which they are in the habit of giving to their correspondents, than foreign merchants have either the disposition or the ability to give: to the higher exchange which bills upon London command than bills upon any part of the Continent; the latter being frequently not negotiable at all in America, and seldom or ever but at a depreciated rate of exchange. To these considerations, another may perhaps be added, after the proposition which has been made in the American House of Representatives for the confiscation of British debts: the expectation, that in case of a rupture between the two countries, those debts might be appropriated, by the government of the United States, to the reimbursement of such of her subjects as had property due to them in Great Britain; a security which they have not on the Continent, and where, in case of hostilities, confiscation is the order of the day. Certain it is, that from these or other causes, the proceeds of the cargoes shipped by America to the Continent of Europe, are, for the most part, immediately remitted to Great Britain; from whence they are drawn, to supply her various commercial wants, as occasion requires. By far the greatest part of the goods which America imports from the Continent of Europe is paid for in the city of Lon-

don. We are not, therefore, to be dazzled by the supposition, that all these remittances from America to the Continent of Europe, are beneficial to the manufacturers of Great Britain. On the contrary they serve, in a much greater degree, to promote the circulation of the goods of the enemy, and enable his manufacturers to supplant our own manufacturers, in the supply of foreign markets, of which they would command the monopoly but for the interference of America. To encourage such a trade as this, in order that a certain class of merchants may gain a commission of half per cent. on receiving and paying bills for the amount, would be to imitate the folly of Esau, who sold his birth-right for a mess of pottage.

The next allegation is, "that the neutrality of America, so far from being injurious to the other interests of Great Britain, has materially promoted their prosperity; and that the produce of *our* colonies in the West Indies, of our empire in the East, and of our fisheries on the banks of Newfoundland, has frequently found a foreign market by this means." Any person reading this allegation, would imagine that there must have been some error of the press; and that instead of the produce of *our* colonies in the West Indies, the petitioners had meant to say, the produce of *our enemies'* colonies in the West Indies; for the Americans are prohibited by law, from taking any produce from our West India colonies, except rum and molasses, though all the produce of the enemies' colonies certainly finds its way to market in American bottoms. An attempt however has been made to prove the position as it now stands, by shewing that British colonial produce has been conveyed from this country to the Continent under the American flag. The evidence amounts to this—That since the publication of the French decrees, American vessels, furnished with simulated papers as if they came direct from America, have attempted to import cargoes of this description into various ports of the Continent (*p*): but most of them have been detected and condemned; the practice, therefore, is not likely to be renewed, as a trick once discovered can never afterwards succeed. Had this allegation been applied to the produce of the enemies' colonies, the truth of it would

have been indisputable; for the advantages which they derive from the American flag, are both great and permanent. Mr. Baring states the re-export of sugar and coffee from America, after supplying her own consumption, at something less than three millions per annum (*q*). This estimate is founded on the average of the years 1802, 3, and 4, the whole of which were years of peace as far as relates to Spain, and nearly two of which were so as far as relates to France and Holland. All these powers are as jealous of the monopoly of their colonial carrying trade as Great Britain herself, and permit no neutrals to transport their produce in time of peace. Years of peace, therefore, can give no fair estimate of a commerce which America is only allowed to carry on in time of war. It appears from the returns of the sugar and coffee imported into Amsterdam from America in 1806, laid before the committee of the House of Commons appointed last year to inquire into the commercial state of the British West Indies, that the value of those commodities sent to that port alone, is nearly equal to the estimate which Mr. Baring gives of the value of what was sent to every port in Europe (*r*). The inaccuracy of his statements will fully appear from his calculating the annual export of foreign produce from America at 6,400,000*l.* which appears by an official report from the Treasury Department of the United States, dated February 24, 1807, to have been for the year ending September 30, 1806, more than 60,000,000 of dollars, or about 14,000,000*l.* sterling (*s*). Mr. Baring will perhaps take an opportunity of correcting these calculations in a future edition of his work; in order to render it as valuable in point of accuracy of statement, as it really is in point of commercial information, (where his partiality has not represented objects to his mind through a false medium), and in point of literary composition. It is highly important that the public should know the real extent to which the trade between the United States of America and the colonies of the enemy has been carried on, that they may judge of the advantages which those colonies have enjoyed, in being thus enabled to transport their produce to Europe at peace freight and peace premiums of insurance, while the British colonies, burdened with war charges, were

sinking in the unequal and hopeless competition.

Another branch of this allegation is, "that the produce of our empire in the East finds a foreign market by means of the American flag." This is indeed true; but not in such a sense as the petitioners wish us to believe. Official returns from Madras prove the export of piece goods from that presidency in American ships, to be far greater than it is in British ships. Thus we are at an immense expense in maintaining these possessions, while America derives greater commercial advantages from them than we ourselves do; and the goods imported by America are circulated all over the globe, while those imported into Great Britain glut the warehouses of this metropolis. America also inundates the British West India Islands, and the British provinces in North America, with East India goods, by contraband trade; to the great detriment of the East India Company, and the fair British trader (*t*). When such a commerce as this is held up by the petitioners as an advantage to Great Britain, well may they swell the catalogue of favours conferred on her by America.

They tell us, too, that she encourages our fisheries on the banks of Newfoundland. This she does much on the same system. She purchases the fish caught by our fishermen and carries it to our own colonies in the West Indies, because, navigating at peace freights and peace premiums of insurance, she can undersell her British competitors on British ground.

The foregoing explanation of the various branches of trade alluded to, will place the real nature of the obligation we owe to America for carrying them on, in a true point of view. One of the witnesses has told us, that nine-tenths of the commerce of America contributes to the prosperity of Great Britain; but being asked on what data he founded this assertion, he said on GENERAL OBSERVATION (*v*). Many of the petitioners appear to have served under the same officer, for they practise precisely the same manœuvres. They give us assertions instead of proofs, and opinions instead of arguments. They wish to persuade us that her imports from the powers with whom we are at war, re-shipped to rival our own manufactures in the foreign colonies, her immense traffic in the produce of those colonies, and

her imports from China and India to be smuggled into our own possessions, which together form more than half her trade, contribute to the prosperity of this country. Such evidence has a most fallacious tendency. It attempts to make us believe that America is serving, when in fact she is supplanting us.

After some general professions of willingness to sacrifice their own interest to that of their country, the petitioners state, "their confidence that they cannot fail "to establish the conviction with which they are so "strongly impressed, that the Orders in Council are "founded on the most mistaken opinions of the com- "mercial interests of the empire, and must be particu- "larly fatal to "those of the petitioners." This conviction ought not to follow: for it has been shewn, that scarcely any of the allegations in their petition are made out in evidence. Indeed, many of them are incapable of proof, being mere matters of opinion. Some of the testimony given, in order to support them, appears rather extraordinary; for how can it be reconciled to reason or common sense, that the Orders in Council should have had a retrospective operation, and have occasioned measures that took place before they were issued? Yet this is what many of the witnesses would make us believe. Without imputing to them any intention to deceive or mislead, it may be observed that they are witnesses in their own cause; and it will not be denied, that men's interests will give an unintentional bias to their opinions. Their being interested parties was very properly made no objection to receiving their testimony; for, generally speaking, interested parties are best qualified to give full and accurate information on any subject. The interested parties may be considered in this inquiry as the advocates on each side of the question; his Majesty's Ministers and Parliament as the court and jury who are to decide upon the merits of the case laid before them; and it may be impartially pronounced, that the cause of truth and justice is best promoted by this mode of proceeding.

The latter part of their allegation, "that the Orders "in Council are injurious to the interests of the petition- "ers," must be admitted to be well founded. The great fallacy of their evidence, and of the counsel who argued

in support of their case, has been an endeavour to confound their interests with those of the nation, and the commerce of America with that of Great Britain. That the interests of the petitioners will be affected is indisputable ; for as their connections are chiefly with America, though the commercial interests of the empire at large may be benefited by the Orders in Council, their interests will be injured, as this commerce will go into other channels. That the commerce of America will be injured is also admitted ; but this is no argument against the Orders in Council, which were intended to protect the trade of Great Britain, not that of America. Mr. Baring, in the introduction to his work, seems to think it impossible, that in the present circumstances, merchants should be occupied in collecting a few paltry profits from their trade, at the expense of their dearest interests ; and says it would be the folly of men plundering their own wreck. But how often does it happen, when the ship is in danger, that some of the crew, instead of uniting their efforts for the general preservation, break open the liquor-cases, and for a momentary indulgence meet their fate in intoxication ? How often do we see the most important future interest, sacrificed to the subordinate interests of the present moment ? Such, in some degree, appears to be the conduct of these petitioners.

Having thus discussed the merits of this petition, it now remains to make a few observations on the Orders in Council. The principal objections which have been urged against them, are founded on a partial and confined view of their operation, as affecting the imports of the enemy. It has been asked, as was done by the learned counsel who argued on behalf of the petitioners, whether we can expect to bend France to our will, by depriving her of sugar, coffee and cotton ? Perhaps not : but by depriving the inhabitants of the Continent of the possibility of receiving from any other quarter those articles of convenience or necessity which they have been accustomed to import, we reduce them to this alternative—that they must either submit to the total privation of them, or receive them from Great Britain. Under these circumstances, it cannot reasonably be doubted, but that considerable quantities of goods will find their way, directly or indirectly, from this country to the con-

tinent; and that the interests of individuals will get the better of the decrees of Buonaparte: for if Great Britain, whose cruizers cover the ocean, cannot altogether prevent contraband trade, how much less can France, who has scarcely a cruiser at sea? Even in this point of view, therefore, the measure promises to be attended with considerable advantage to the merchants and manufacturers of this country, and to defeat, in some degree, the decrees of the enemy.

But the great and important point of view in which to consider this measure, is, as it affects the exports of the enemy. France, till of late, enjoyed the benefit of an uninterrupted communication with every part of the world, by means of neutral conveyance; and sent all her manufactures and staple commodities to the most advantageous markets without interruption. It has been said, that all our attacks upon the commerce of France are futile, for that so small a proportion of her revenue is derived from this source, that even the total annihilation of it would be scarcely felt. But, it is evident, that the operation of the Orders in Council, considered in this light, is not confined to her custom-house revenue, but strikes at the root of those internal resources on which she so much depends. If her manufacturers can find no foreign vent for their goods, they must cease to manufacture, and be reduced to extreme distress. If the cultivators of her soil can find no foreign demand for their produce, if their wine, their brandy, their oil, remain unsaleable, the tenant will be unable to pay his rent to the landholder, and both tenant and landholder will be alike unable to contribute their accustomed quotas to the exigencies of the state. In this way the Orders in Council will be most severely felt? and a reference to facts will prove that this is not the language of vague conjecture, or uncertain supposition.

An Order in Council was issued by his Majesty's late Ministers, in January, 1807, prohibiting the coasting trade of the enemy, and the communications between the different ports of all the countries under his control. The effect of this measure on the staple commodities of France was soon so severely felt, that as far as related to them, Buonaparte suspended his own decree, and issued an order, permitting wines and brandy to be admitted into

any port of Europe, even though they came from Great Britain. Under this order, many cargoes of these commodities were shipped from this country to various ports in the North of Europe, and admitted without any molestation ; while, at the same time, and in the same ports, every cargo of British manufactured goods, or British colonial produce, was uniformly condemned (*x*). If the effect of this partial measure was so severely felt, how much more severely must the effect of the present measure be felt ; which not only prevents the coasting trade of France, but the whole of her export trade altogether ? The proposition is so self-evident, that it is unnecessary to argue it further.

Much has been said by the Opposition, of the inhumanity of this system ; that it is making war upon unoffending individuals. Let them say what this system is on which Buonaparte has so long been acting, of excluding the manufactures and produce of Great Britain, from every part of the world under his control, and confiscating them wherever found, but making war upon unoffending individuals ? Yet no invectives against his inhumanity have escaped their lips : though all the vials of their wrath were poured out upon the devoted heads of his Majesty's Ministers, the moment they adopted the same principle. It might have been thought, that they would have felt as warmly for the sufferings of their fellow-subjects, inflicted by the hand of the enemy, as they now feel for the sufferings of their enemies, retaliated upon them for the relief of their fellow-subjects. The new system of modified hostility recommended by that party, may justly be controverted by the sentiment of Dr. Johnson, that "the prince who is tender to his enemies, is cruel to his own subjects :" for the enemy will never be disposed to terminate a contest, while he can carry it on without being deprived of any of his accustomed advantages and enjoyments ; and it is only by making him feel the hardships of war, that we can make him sincerely desirous of peace. Even under the most arbitrary government, the voice of the people will be heard ; and that war which presses the most severely, both on the comforts of the people and the resources of the state, is the least likely to be of long continuance.

The arguments urged against the Orders in Coun-

cil, when justly considered, furnish some of the strongest arguments in their favour. It has been said, that the pressure on the manufacturing and commercial interests of this country, occasioned by the decrees of the enemy, should induce us to make an immediate peace, on the best terms we can procure. The effect of their influence on our commerce and manufactures, is but limited and partial ; for our best resources, our intercourse with our possessions in the East and West Indies, are, thank God, beyond the reach of the decrees of any Emperor, or the Non-importation Acts of any foreign power ; and we may confidently hope, that a new empire is rising up in South America, our intercourse with which will in some degree, compensate us for the loss of our accustomed intercourse with the Continent of Europe, while it continues to groan under the tyranny of its despot. But the effect of our Orders in Council on the commerce of France, will be its absolute and total annihilation. To her then might this advice be much more consistently applied.

The Orders in Council have been stigmatized, as being at once absurd and contemptible, in relinquishing the principle of right on which their justification is founded, for a paltry consideration, of pounds, shillings, and pence. But how can that measure be deemed absurd, which at once unites interest and policy ? and so far from rendering Great Britain contemptible, how can she possibly assume a more dignified character, than in thus shewing the world, that Buonaparte, with all his dependant kings, are but her tributaries ; that they can receive no article, either of comfort or necessity, without paying an acknowledgment to her maritime supremacy ; and contributing to the expense of carrying on that war, which the ambition, injustice, and aggressions of their tyrant, have rendered necessary.

Without maintaining that the Orders in Council are in every respect perfect and unexceptionable, it may confidently be asserted, that in adopting the system of retaliation on which they are framed, Great Britain is at last making the true use of her naval power, and it will soon appear, that she can as effectually command the Continent, by blockading it with her fleets, as Buonaparte can by overrunning it with his armies. If this system be persevered in, the privations which it will occasion among

his subjects, will excite general discontent and clamour ; and when that discontent and clamour reach his ear, in tones so loud, as to alarm him for the stability of his power, and the safety of his person, then, and not till then, will he accede to such terms of peace, as are consistent with the honour and dignity of Great Britain.

After the unqualified approbation that has been bestowed on the conduct of his Majesty's Ministers, for adopting the principle of retaliation on which the Orders in Council are founded, it would be inconsistent not to animadvert upon their conduct, where it militates against that principle. But before any detail is entered into respecting the licenses to which this observation more particularly applies, it may not be irrelevant, and will elucidate the subject, to offer a few remarks on licenses in general.

A license is a permission granted to an individual, by his Majesty in Council, to carry on some branch of commerce prohibited by the established laws of the land. It seems obvious, therefore, that this expedient should be sparingly resorted to ; and that it can only be justified, by that necessity which supersedes all laws. So far from being kept within these bounds, the great mass of the commerce of this kingdom has of late been carried on, not according to law, but contrary to law, and under the sanction of licenses. What should be the exception to the general rule, is become the general rule itself ; and thus the regular and proper order of things is altogether inverted. If the utility of our existing laws can be impeached, let them be repealed, and new ones be enacted ; but let not our navigation system, that palladium of our national greatness, devised by the wisdom of our ancestors, and consecrated by that unexampled commercial prosperity to which we have attained—let not that system which no modern innovator dare openly attack—be secretly undermined.

The injurious effect of licenses on the maritime interests of Great Britain, may be proved by contrasting their operation with that of the navigation laws. According to the navigation laws, no commodities can be imported, except in British ships ; or ships belonging to that country, of which the commodities they bring are the growth, produce, or manufacture. In conformity to

those laws, while we are at war with France, her wines and brandies could only find their way here, by being first shipped to some neutral port, and then re-shipped in British vessels: but, by licenses, they are brought direct from France to this country in neutral vessels. Under the former system, these commodities are subjected to the charges of an extra voyage, on which they are exposed to the risk of British capture; and the use of British shipping is necessary to bring them to their port of destination. Under the latter system, they are exempted from the charges of the extra voyage, protected from British capture; and the necessity of British shipping being employed to transport them, is wholly superseded. The same observations apply to licenses in general; they secure the property of the enemy against the just claims of the British navy; substitute foreign shipping in the room of British shipping; and thus diminish that maritime preponderance which has hitherto been the bulwark and the glory of the British empire.

Independent of this paramount consideration, a variety of minor, though not unimportant objections, present themselves against this modern system. The first of these, is its mutable and fluctuating nature. One administration grants, what another administration denies; the same administration adopts different rules of conduct at different periods; and thus the operations of all the commercial part of the community, are in a state of endless uncertainty. Even when no change of system takes place, the shades of difference in the circumstances under which licenses are applied for, are often so nice, that the most accurate observer is at a loss to discover the reasons why some are granted and others are refused; in short, the merchants are perpetually making new experiments, to ascertain how far they can go; and the board of trade are perpetually puzzled, to decide where they ought to stop.

Licenses, too, are become objects of speculation and intrigue. As soon as it was known that the committee upon the distillation of sugar and molasses, had it in contemplation to recommend the discontinuance of licenses for the importation of foreign spirits, many licenses were immediately taken out, to be acted upon or not, according to the result; and had the recommendation

of the committee been adopted, would have been sources of great emolument to the parties by whom they were obtained. On other occasions, when any change in this licensing system has taken place, persons who have been in possession of channels, through which intelligence has reached them earlier than it has been communicated to the public at large, have availed themselves of it, to speculate in those commodities, the value of which has been affected by the measure in question. In order to prevent such undue advantages from being taken, the same public official notification ought immediately to be given of every change in this system, as is given of any great political event in order to prevent gambling speculations on the Stock Exchange.

It is not contended, that in the unprecedented revolutions which the commerce of Europe has lately undergone, a discretionary power should not be vested in his Majesty's Ministers, to depart from established rules, and to adopt such new expedients as new and extraordinary circumstances require. In many cases, licenses have been highly useful and necessary; but they have been granted too indiscriminately, and in cases where neither necessity, nor even utility, has justified the application. As a bill was brought into Parliament for giving effect to the Orders in Council, why should not the same legislative sanction be given to other branches of that temporary commerce which exists in consequence of the war, instead of continuing them by a license granted for each particular voyage, at a considerable expense to the parties concerned in fees of office, and a still more considerable loss of time before they obtain an answer to their applications? Let his Majesty's Ministers submit their commercial measures to the public and open discussion of Parliament; instead of being guided in them by private, and perhaps, sometimes, interested advisers; and let the commerce of the country, as far as is practicable, be regulated by fixed and known laws, not by the arbitrary and variable will of individuals.

The preceding remarks apply to licenses in general, and to every administration by which they have been granted; but some considerations remain, which apply to the present administration in particular. For several years past, it has been the avowed object of Buonaparte

to cut off our commercial intercourse with the rest of the world ; in the persuasion, that by depriving us of the opportunity, either of supplying our wants, or disposing of our superfluous produce and manufactures, he should create general distress ; that this distress would excite general discontent, and oblige the government to submit to peace with him on his own terms. The principle on which he depended was just ; but, happily, in this case, it failed in the application. In every country, the people feel satisfied with the government under which they live, while their industry will furnish them with the means of procuring a comfortable subsistence ; but when they find themselves deprived of their accustomed resources and enjoyments, and can trace their privations to political causes, they immediately become clamorous for a change of men and measures. Had the failure of our harvests rendered us dependant upon Buonaparte for a supply of corn, or could he have prevented our commerce and the sale of our manufactures as effectually as he expected, he would probably have gained his point : but though some inconveniences were felt in consequence of his restrictions, they were but partial ; for our naval superiority enabled us to keep open our accustomed communication with every part of the world not under his immediate control ; new channels of commerce were opened to us in South America, which supplied in some measure the loss of those from which he had excluded us in Europe ; and the interests of his own subjects tempted them to elude in various ways the execution of his decrees. When his Majesty's present Ministers came into power, it occurred to them, that by retorting his own measures upon him, they might effectually accomplish against him what he had in vain attempted against us ; and in the spirit of just and severe retaliation, they issued the late Orders in Council. It is now incumbent upon them to act up to their own system ; if they mean it to succeed, they must give it a fair trial. If they hope to distress the enemy by depriving him of every market for his staple commodities and manufactures, they ought not to furnish him with a market for them, by permitting their importation into this kingdom under licenses ; and these observations lead to an examination of the particular classes of licenses which

are open to objection in this respect, and which, nevertheless, still continue to be granted. Those which will be first considered, are the licenses granted to import foreign spirits; but this topic will be best introduced by stating the circumstances which brought on a discussion respecting it in the House of Commons, a few days previous to the prorogation of Parliament.

In consequence of the distressed situation of the British West India colonies, a committee had been appointed, whose instructions were, "to inquire and report " how far, and under what circumstances, it may be " practicable and expedient, to confine the distilleries of " the United Kingdom to the use of sugar and molasses " only; and also, what other provision can be made for " the relief of the growers of sugar in the British West " India colonies." The first report of this committee, recommended the substitution of sugar for grain in the distilleries, for a time to be limited, and subject to a discretionary power to be vested in his Majesty in Council. In this report, the committee pledged themselves to submit such other measures for the relief of the planter, to the consideration of the House, as should render any further recurrence to this measure unnecessary; and in discharge of their pledge, they presented three other reports before the close of the session. The second and third of these reports having lain a considerable time on the table, a motion for their being taken into consideration was at length made by a member of the committee; which motion was opposed and over-ruled by his Majesty's Ministers. The second of these reports, recommends the discontinuance of the trade now carried on in foreign spirits, under licenses granted by the Privy Council, and describes the nature of this trade in the following words:—

" It appears that foreign brandy and geneva are among the enumerated articles, the importation of which is permitted by the general war-order of the King in Council. The expenses of freight " and insurance however, are too heavy, and the risk of seizure by " our cruizers, and condemnation in our prize courts, is too great to " allow the trade to be carried on with any prospect of advantage un- " der the authority of such a general order. The merchants of this " country, therefore, apply to the Privy Council for particular licen- " ses, which being granted, neutral vessels are chartered by which " under these licenses a trade is securely carried on, which other- " wise would not exist. The ships proceed in ballast for the hostile.

" port, taking with them neither British manufactures nor colonial produce, which would render them liable to confiscation. They bring back foreign spirits, wine and fruit, but neither raw silk, nor any other article useful to the British manufacturer. Those cargoes are chiefly paid for by bills of exchange. As this trade affords great encouragement to one of the chief staples of the enemy, without promoting in the smallest degree the welfare of the shipping, manufacturing, or colonial interests of this country, it is evidently the policy, as we are led to believe it is the practice of the French government to connive at its continuance, and to protect it. The sound policy of this country would seem to require the prohibition or discouragement of a trade, in which the advantage is reaped by the enemy; particularly as by so doing the produce of our own colonies, and spirits, the manufacture of our own country, would replace those so withdrawn from the market."

Every advocate for the Orders in Council, if he is consistent, cannot but be an opponent of these licenses; for the principle of the one is in direct opposition to that of the other. The object of the Orders in Council, as declared in the preamble of the bill passed to carry them into effect, is, "to retaliate upon the enemy the evils which he intended to inflict upon this kingdom;" and these evils expressly refer to his decrees, excluding all articles of our growth or manufacture from every country under his control (*y*). But the effect of these licenses, on the contrary, is to furnish those markets for articles the growth or manufacture of the enemy, to which he could not otherwise procure access. The principle of the Orders in Council, is to prevent all trade in these commodities; by depriving them of their accustomed circulation, to deprive them of their accustomed value, and distress those who depend upon the sale of them for their means of subsistence. The licenses open a free trade to those commodities; by extending their circulation, augment their value, and give affluence to those who are interested in their sale or consumption. The inconsistency of these two systems, is manifest and glaring. What the one does, the other undoes; and his Majesty's Ministers, while acting on both at the same time, are playing the part of Penelope, who unwove that web by night, which she occupied herself in weaving during the day.

What is desirable, however, is not always expedient; nor are the most plausible theories always reducible to practise. It is necessary, therefore, to investigate the force and validity of the objections that have been urged

against the discontinuance of these licences. The first of these is of a financial nature. It was stated by the Chancellor of the Exchequer, that a revenue of more than 700,000*l.* per annum was derived from the duty on French brandies. Very ample and correct information on this subject, may be found in the report itself.

" It appears that the quantity of foreign spirits for which duty was paid in the last year, was 2,101,187 gallons, and that the gross amount of the duty was 1,336,973*l.* The duty of customs and excise per gallon, on foreign spirits, is 16*s.* 1*1-2d.*; on rum, 11*s.* 2*1-2d.* and the excise duty on British spirits, exclusive of the malt duty, is 7*s.* 2*3-4d.* It would seem that a bare substitution of a consumption of the same quantity of spirits at a lower duty, would occasion a certain loss to the revenue. Mr. Jackson calculates that loss at 786,000*l.* per annum; and presuming only on a bare substitution of quantity, thinks, that in order to prevent any deficit, and at the same time to preserve the present difference between the duties on rum and British spirits, an addition of 2*s.* 8*d.* per gallon on each of these articles would be required. But such additional duty, in the opinion of your committee, could not be imposed without considerable danger of permanently diminishing the consumption of those articles.

" The most obvious mode of preventing the importation and use of foreign spirits, would be by a law of direct prohibition. Mr. Frewin states, that the difficulty of preventing smuggling would not be rendered greater than at present, even by a total prohibition of the trade; and Mr. Jackson thinks that the contraband trade might be more effectually checked under a change of system, than by adhering to the present mode of granting licenses and imposing high duties. But in case it should be deemed more expedient to adopt the mode of laying on a high additional duty, the revenue might receive its compensation for the diminished consumption of foreign spirits, in part by the increased consumption of British-made or colonial spirits, which at a lower price would more than replace the quantity of that diminished importation, and in part by the increased amount of the duty on that reduced quantity of foreign spirits, which would even under these circumstances continue to be consumed. Actuated by these considerations, your committee recommend, either that the importation and use of foreign spirits should be prohibited during the war, or that the duties of customs and excise on all such spirits imported should be greatly increased; and in the latter case they also submit that it would be highly expedient to lay a heavy duty on their re-exportation to any part of the world."

These extracts give full insight into the whole financial merits of the case. If this trade were totally prohibited, and the loss to the revenue compensated by an additional duty on British spirits and West India rum, even admitting the opinion of the committee to be well founded, that this additional duty would in some degree diminish the consumption of spirits, what the nation lost in revenue it would certainly gain in morals. But that

the consumption of spirits would be at all diminished, is merely an opinion; and unfortunately the propensity to dram drinking appears too inveterate, to give way to so trifling an advance in the price, as would be occasioned by an additional duty of 2s. 8d. per gallon. If therefore this plan were adopted, the Chancellor of the Exchequer need be under no apprehension that new ways and means would be necessary to supply any deficit in the revenue. On the contrary, if the testimony given to the committee by Mr. Jackson, one of the commissioners of excise, is to be depended upon (and the testimony of no gentleman, on subjects of this nature, is entitled to more implicit confidence) that, "in the present circumstances of the country, smuggling might be more easily prevented under a prohibition, than under licenses, and the present high duties" (z); of all measures that could possibly be devised this would have the most beneficial effect upon the revenue. The same gentleman has also stated in his evidence, that "from accounts lately returned, there are upwards of 500,000 gallons of seized spirits remaining to be disposed of in the hands of government;" and from the quantity seized in attempts to smuggle, some idea may be formed of the quantity smuggled without being seized; for this trade would not be carried on, unless it was advantageous to the parties concerned in it. Great facility is certainly afforded to smuggling by these licenses; for vessels so protected may navigate securely along the channel, with clearances for some northern port, and take an opportunity of landing their cargoes on the coast of England. But if foreign spirits were prohibited, vessels laden with them would be liable to seizure wherever found on the high seas, instead of being only liable when they come within the provisions of the Hovering Act; and the almost impossibility of escaping our cruisers during the whole voyage, would surely deter the most desperate adventurer from embarking in this traffic.

If, however, the opinion of Mr. Jackson be disregarded, and these expectations of the benefit that the revenue would derive from a total prohibition of the trade in foreign spirits, be considered as too sanguine, or altogether visionary; it is obvious, that if the other alterna-

tive suggested by the committee, the discouragement of them by higher duties, were resorted to, the increase of the duty would compensate the revenue for the diminution of the consumption, and every financial difficulty be obviated.

But let us carry our views of this trade a little farther. It is stated in the same report,

" The re-exportation from this country of the brandy brought in  
 " on licenses, is not considerable ; the North of Europe being chiefly  
 " supplied by the prize spirits. No duty is retained on the re-export  
 " to Europe except the war duty of 12 and 1-2 per cent. on the cus-  
 " toms, or about 1d. 5-8 per gallon ; to which the Act enforcing the  
 " late Orders in Council has added a duty of 8d. per gallon. In some  
 " instances it may be exported duty free."

Thus it is shewn, that chiefly by prize spirits, but partly by spirits imported under these licenses, we actually supply all the North of Europe with brandies of France, to the great aggrandizement of her revenue, as well as the advantage of her subjects, for the paltry consideration, in some cases, of 1d.  $\frac{5}{8}$  per gallon, at most of 8d. per gallon, and in some instances, without any consideration whatever. The folly of so doing on these terms, if we ought to do so on any terms, may be ascertained by the following calculation of the expenses that attend the carriage of wines and brandies, from France to the North of Europe, by land. This is the only mode of conveyance that would be open to the enemy, if these licenses were discontinued ; and was resorted to by Buonaparte last year, for the supply of his armies, which then suffered much from the want of wine and brandy, during their campaign in Prussia and Poland ; as he gave us credit for too much good sense, to suppose that we should have the complaisance to convey them for their use by sea. The distance from Bourdeaux or Charente to Paris, is about 180 French leagues, or 600 English miles ; and the conveyance for this part of the journey costs 600 livres per ton. From Paris to Antwerp, all land carriage also, costs 300 livres per ton. From Antwerp to Hamburgh, partly by land and partly by water, costs the same sum ; making together, 1,200 livres Tournois, or 50*l.* sterling per ton, for the conveyance of wine or brandy, as far as Hamburg alone ; which, estimating the ton at 252 gallons, is at the rate of 4*s.* sterling per gallon ; and to this is to be added, the leakage on jumbling over

such a length of bad roads, which is inevitably much greater than on the voyage by sea. If, then, this traffic is to be continued at all, at least let it be subjected, as the report of the committee recommends, to a much heavier duty than it now pays.

Another objection to the abolition of this trade, stated by the Chancellor of the Exchequer, was, that though no goods are taken from Great Britain by the vessels that bring back these brandies, yet that as they are paid for by bills of exchange on other parts of Europe, these bills can only be drawn upon shipments made from this country ; and that some of these brandies might, in fact be the returns for the sugars of the very gentleman who made the motion, which had found their way to Holland or Hamburg. This is nothing more than a plausible and ingenious supposition. To have proved this case, the Chancellor of the Exchequer should have shewn, not only that because wines and brandies shipped from France are paid for by such bills of exchange, British goods or produce must be shipped to the amount so drawn for ; but also, that British goods or produce would not be shipped to other parts of the Continent, unless wines and brandies were imported from France : whereas, in point of fact, these branches of commerce have no relation whatever to each other. All the importations from this country to the Continent, are now made by persons who are tempted to engage in that contraband trade by the prospect of the immense profit which it holds out to them, if they escape detection ; and it is self-evident, that this inducement would operate just as strongly on their minds, and lead them to embark in these speculations precisely to the same extent, whether the wines and brandies of France, in which they have no concern, were or were not admitted into this country. The great commercial thermometer, which points out the state of the balance of trade between every nation and its neighbours, is the exchange ; and the course of exchange between London and the Continent of Europe, has of late been susceptible of no extraordinary variation ; a fact which may be accounted for, notwithstanding very considerable shipments of British manufactures, and colonial produce, do find their way to the Continent, by recollecting that the interest of the money, which foreigners hold in our pub-

lic funds, and in the hands of private individuals, together with the produce of the captured West India colonies, sent to Great Britain to be remitted to the proprietors of estates resident on the Continent, form a large fund to provide for the payment of goods shipped from this country. No necessity, therefore, appears for our resorting to this pernicious expedient of encouraging the staple commodities of the enemy. If wines and brandies were prohibited, remittances would be made for the balance of the articles which the Continent takes from us, in other commodities of a less exceptionable description, such as raw materials for our manufactures ; or, in default of those commodities, specie would find its way, as was the case in the early periods of the French revolution.

The particular objections to the discontinuance of these licenses, being thus obviated, the policy of granting permission to import any of the staple commodities of the enemy, remains to be discussed upon general principles. This war, after having so frequently changed its name and nature, has now resolved itself into a war of privations. Buonaparte set the example of giving it this new character, by his Berlin decree ; and most injudiciously did he act in so doing : for the superiority of our naval force, gives us an infinite advantage over him in this species of warfare. It has already been shewn, that he felt and acknowledged the pressure of our retaliation of his system, even in the limited measure adopted by his Majesty's late Ministers. The report of the committee which has already been quoted, confirms that fact ; by proving in evidence, that the bonds in treble the amount of the value of the cargo, that it shall be landed at the port of its ostensible destination, which are required in France upon the exportation of commodities of which Buonaparte wishes to deprive Great Britain, are not required upon the exportation of wines and brandies.

A similar facility has lately been given in favour of the staple commodities of Holland ; and a decree has been extorted from him, by the necessities of that people, probably rather owing to the political consideration of the consequences of reducing them to a state of absolute despair, than to any commiseration of their sufferings, which permits them to export butter, cheese, and geneva.

The objections to the admission of wine and brandy

from France, apply with equal or still greater force, to the admission of butter, cheese, and geneva, from Holland. Brandy and geneva indeed are commodities of precisely the same description ; but the importation of butter and cheese operates in a manner still more directly prejudicial to the agricultural interests of Great Britain. It may be argued, that it is expedient to admit these necessary articles of food, in order to prevent their price from rising to an exorbitant height ; but here all the reasoning of the advocates for the agricultural system, applies in full force. While the British market is thus liable to be forestalled by foreigners, the British farmer will diminish his supply in proportion to the reduced demand occasioned by their interference, and the quantity made at home will continue insufficient for the consumption of the country : but if the British farmer were secured in the possession of his natural market, he would soon furnish a supply equal to the demand. It is true, that the public obtains a temporary advantage from these importations, in the reduction of price which they occasion ; but this temporary advantage is dearly purchased, by the discouragement thus given to British agriculture, which has the inevitable effect of permanently enhancing the price again. The supply of butter and cheese of our own growth will always be inadequate and precarious, while our ports are open to their importation from abroad, without even any of these restrictions as to price, by which the legislature, with a just regard to the interests of the British farmer, has regulated the importation of foreign corn. As butter and cheese so imported pay no duty, the same plea cannot be urged in favour of the licenses for their admission, as has been urged in favour of those for the admission of foreign spirits. It may be reasonable, that we should receive the butter and cheese of Holland, under proper regulations, when Holland receives the produce and manufactures of this country ; for an interchange of commodities is the basis of all commerce : but on what ground can the free admission of her staple commodities be justified at the present moment, when no one article which can by any possibility give the smallest occupation, or emolument, to any of the labouring classes of this kingdom, is admitted in return ?

They know but little of the character of the Dutch

peasantry, who suppose them likely to take an active part in bringing about a revolution in their government, while they continue to find such a market for the produce of their industry, as enables them to live in comfort and at ease. If ever they are induced to revolt against their French master, it will be when they feel such distress under the new order of things, as makes them look back with regret, to past times. We are most unaccountably guarding against the probability of such an event, by taking all the butter and cheese they can spare, off their hands, at a high price; which produces just the same effect on their minds, as if we distributed so much money among them, on purpose to reconcile them to their present government. Surely, no doubt can be entertained, whether, at this critical period, we ought to stifle the murmurs of the people who are subjected to the tyranny of Buonaparte, by softening the severity of the evils to which he has exposed them; or increase their pressure, till they produce the same effects as have already appeared in Spain.

Without derogating from the truly patriotic spirit which animates the Spanish nation, in their present struggle to throw off his yoke, it may reasonably be presumed, that this spirit has been in some degree quickened by his neglect of the same policy towards them, as he has shewn in France and Holland. It cannot be supposed, that the inhabitants of Biscay had greater provocation to rouse their feelings, than their countrymen who lived in those cities which were more immediately in the occupation of the French troops; and who were eye witnesses to the tyranny and oppression of their new rulers. But the staple commodity of Spain, her wool, is the growth of Biscay, and the adjacent provinces: it is shipped from the ports of Bilboa and St. Andero to Great Britain; and this trade, which has been carried on through the whole of the war, having been prohibited by Buonaparte, in order to injure the manufactures of this country, after he assumed the control over the Spanish government, the Biscayans found themselves deprived of their usual means of subsistence. Thus their feelings of patriotism were quickened by distress; and that flame first broke out among them, which now blazes all over Spain, and happily promises, by its example, and in its effects, to fulfil his

Majesty's augury, of giving independence and peace to Europe.

Providence has ordained, that nations as well as individuals, should, in a certain degree, be dependent on each other : and the inhabitants of no country can be debarred from their accustomed commercial communications, without being deprived of many advantages and enjoyments. Society being thus constituted, the government that attacks the comfort and happiness of the people, by prohibiting this intercourse, alienates their affections, and consequently holds its authority by a very precarious tenure. When the late Emperor Paul entered into the confederacy against Great Britain, his subjects were at once reduced to severe and general distress. Their hemp, their flax, their tallow, their ashes, their iron, their timber, all their great staple commodities, for the sale of which they depended on British purchasers, were left a dead weight upon their hands. If the produce of the land becomes of no value, the landlord may apply to his tenant for rent, in vain. If the vassal can procure no employment, he can pay nothing to his lord. Thus the nobles, whose revenue is derived from the rent of their estates, and the labour of their vassals, found themselves involved in the calamity of their inferiors : and were led by common interest, to attempt that revolution, which cost the Emperor his crown and his life.

If any farther elucidation of the principle to which this event is ascribed were wanting, it promises to be found in the United States of America ; where the cultivators of the soil are deprived of the fruits of their labours and the merchants of their commercial gains, by the present embargo. This forced state of things, cannot be of long continuance. Already have the Vermontese set the constituted authorities at defiance, and persist in carrying on their trade with the Canadians across lake Champlain, while the Northern States manifest strong symptoms of discontent. Mr. Jefferson flattered himself, that if Great Britain, already excluded from all commercial intercourse with the Continent of Europe by the decrees of Buonaparte, were likewise excluded from all intercourse with the United States of America by his embargo, she must yield to this combination against her manufactures and commerce; and concede those maritime rights, which she had claimed from time immemorial, and under all

circumstances had uniformly refused to relinquish ; but the exercise of which, Mr. Jefferson was pleased to term " her interpolations into the maritime code, operating upon her enemies, through the violated rights of neutrals." He has however the mortification of seeing, that Great Britain can withstand this shock unmoved. Our manufacturers find employment, without orders for goods from the United States of America. Our West India colonies are neither starving, nor in a state of revolt, as his partisans predicted they would be. Canada and Nova Scotia will soon be encouraged by the monopoly of the supply of the British West India islands, to raise a sufficient quantity of almost every article necessary for their use : and surely his Majesty's Ministers will be taught by the lesson they have now received, the wisdom of fostering this intercourse, so as to render our West India islands independent in future of the caprice of any foreign power, when by so doing, they will at the same time raise our much neglected provinces in North America, to that prosperity and importance which they are capable of attaining. While such is the state of Great Britain under the American embargo, France indeed feels her full share of those evils, which Mr. Jefferson expected to inflict on all the belligerent powers : she is suffering every possible privation from the want of neutral commerce ; and her colonies are literally, according to his denunciation, " at once cut off from the sale of their productions, and the source of their supplies." Privateers from Guadaloupe arrive in the ports of the United States, demanding supplies to save the inhabitants from famine. General Ferrand sends Mr. Jefferson a deputation, stating that the city of St. Domingo must be abandoned, unless he furnishes it with provisions ; and it remains to be seen whether he will violate his neutrality, by complying with these requests ; abandon the system which he recommended as being founded on the most dignified and consummate policy ; or risque a revolution, by persisting in his endeavours to enforce it.

The public papers state that Buonaparte has lately intimated to the American Minister, his willingness to rescind his decrees, if Great Britain will revoke her Orders in Council. This appears highly probable. Experience has at length taught him the mistaken policy of that system, from which he formed such sanguine expectations.

He is farther aware, too, that now the state of affairs in Spain obliges him to withdraw his troops from the different ports of Europe, where they have hitherto been stationed as centinels to watch over the execution of his decrees, they will no longer be carried into effect. He wishes, therefore, to make a merit of conceding, what he cannot enforce ; and to obtain advantageous terms, for the restoration of that intercourse with the Continent, which Great Britain may soon expect to enjoy without any conditions. If such an overture has really been made it is to be hoped that his Majesty's Ministers, while they shew every disposition to conciliate America that is consistent with the paramount object of distressing the enemy ; while indulgent to those high notions of independence which her sons have inherited from their British ancestors, they modify some of the provisions of the Orders in Council, which are grating to their feelings ; will not, by relaxing the rigour of their retaliatory measures, relieve Buonaparte from being made the victim of his own system, and take this modern Phalaris out of that brazen bull which he himself invented for the torment of others.

From what has been adduced upon the subject of privations, it may be inferred that the attempts of other powers to injure Great Britain by pursuing this system, must be abortive. But it is not so with the same system adopted by Great Britain, in retaliation upon them. What they can only threaten, she can execute. While they can only partially restrict her commerce, her naval superiority gives her the means of annihilating theirs. The people thus reduced to misery and distress, will consider their rulers as the authors of their sufferings ; and this sentiment once excited, will lead to revolt ; through revolt to revolution ; through revolution, to a change of measures ; and ultimately, to peace.

Let then the principle of the Orders in Council be strictly enforced. When the enemy feels the pressure of our retaliation, and relaxes his decrees, we should reject, instead of admitting those commodities, by the sale of which he procures resources for his revenue, gives relief to his subjects, encourages them to the continuance of the war, and reconciles them to his authority.

Many gentlemen connected with the landed interest, opposed the substitution of sugar for corn in the distil-

series, as a discouragement to the agriculture of Great Britain. How much more strongly ought they to oppose these licenses to trade in the staple commodities of France and Holland ; not only on the same principle, but on every consideration of sound policy ? The former measure is temporary, the latter is permanent. The former gives relief and encouragement to our own subjects ; the latter gives relief and encouragement to our enemies. The former promotes the agriculture of our own colonies ; the latter promotes the agriculture of our enemies. The former enables us to consume an additional quantity of sugar, which is paid for in British corn, or manufactures ; neither of which are taken in exchange for the commodities imported under the latter. The sugars imported under the former, are brought home in British ships, and add to that carrying trade which is the nursery of our naval strength ; the articles imported under the latter, are brought in foreign vessels, and increase the naval strength of other powers. Let the country gentlemen, then, unite their efforts, and support the cause of British agriculture, British commerce, and the British navy, against the agriculture, the commerce, and the navy, of our enemies or rivals.

The war in which we are now engaged, is a war for our very existence as an independent nation, and minor considerations must give way to those of greater importance. His Majesty's Ministers, when diverted from their great object, by subordinate and comparatively trifling pursuits, are like Atalanta, who lost the race on which her fate depended, by stopping to pick up the golden apples which her wily competitor threw down to lure her out of the course. If they deviate from the principle of the Orders in Council, they betray a vacillating distrust of its efficacy, inconsistent with that conviction which they professed to feel themselves, and so powerfully and successfully laboured to establish in the minds of others ; but if they steadily and uniformly adhere to it, they will preserve the consistency of their own characters, promote the best interests of the nation, and as far as depends upon human means, insure a successful issue to the present contest.

## APPENDIX.

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(a) In proof of this assertion, the reader is referred to the following extracts from the evidence given before the committee :

“ Did you in fact stop any shipments that would have been made to America in the last fall in consequence of the Orders in Council ?—None at all.”—*Mr. Wood*, page 5.

“ Do you, in the expression you have used, ‘the present state of affairs,’ mean only the Orders in Council, or do you allude also to the Non-Importation Act and the embargo, and the other relative situation of the countries ?—I certainly mean it not particularly confined to the Orders in Council.—*Mr. Phillips*, p. 14.

“ Was there any interruption of the trade between the Continent and this country before the Orders in Council ?—Yes, ever since the 21st of November, 1806, a partial interruption, but we never felt any difficulty in getting our *letters* backwards and forwards by indirect courses. Do you not know, that in the latter end of September, and the month of October, the interruption in the intercourse between this country and the Continent was much greater than it had been in the corresponding months of the preceding year ?—Yes, I believe it was ; but still we had the means of forwarding *letters*. Would you, after that interruption had taken place in October, have accepted bills without having remittances ?—We certainly did accept bills for some houses after that time, but we did not accept them so generally as we had done before.”—*Mr. Glennie*, p. 25.

“ The decrees of the French, together with the Orders in Council, cross each other, and shut every thing up in the place it stands.”—*Mr. Bell*, p. 35.

"Have you any recollection of suspending shipments in the month of June last?—We have for some time been drawing in our shipments to America, conceiving the political hemisphere as darkening. When did you begin to draw in your shipments in consequence of that opinion?—Since the first Non-importation Act. Since the first dispute about American seamen. In what year was the Non-importation Act?—I think in the session of Congress before the last. Was it about December, 1806?—I conceive it may have been. And you have from that time gradually diminished your shipments?—I certainly have. Did not the apprehension of the confiscation of British debts in America operate with you to suspend shipments?—Not so much the confiscation, as the fear of the privation of that property, beyond the extent of the credit we received on goods. Did not you understand that there was a general apprehension in this country, that in America such an act would take place as the confiscation of British debts?—There was certainly something indicative of it, in a letter written by Mr. Gallatin, the Secretary of the Treasury, ordering that no transfer of American stock should be made from foreign names to the citizens of America: that certainly was a source of great alarm to my mind."—*Mr. Mann*, p. 63.

"As this relates principally in opposition to the Orders in Council, is it in consequence of those Orders in Council, that the fish that went from Newfoundland to America has been refused sale in that country?—Certainly not in consequence of the Orders in Council, because the Orders in Council were not known at the time; but it was in consequence of the affair which took place between the Leopard and the Chesapeake, which led to that sort of suspicion, and created that difficulty in America. I had myself a cargo of fish just at the period of that event happening, which had been just delivered, and the captain was hurried away very much under the impression of that alarm."—*Mr. Garland*, p. 95.

"You have stated that the interruption of the Berlin decree was temporary, but that there was a further interruption in August, which continued up to the time of the Orders in Council? Yes. Did ships to the Continent then cease nearly altogether?—In the month of September

they ceased entirely, as far as respects ships to Holland, and to a great degree to other ports. Till the months of August and September there was a considerable trade to the Continent?—A very great trade indeed.”—*Mr. J. Hall*, p. 109.

“ Will you state what effect is likely to be produced by the Orders in Council of the 11th November last?—The effects hitherto produced have been considerably increased orders for the Continent; but the season of the year has been so very unfavourable, that such orders have not been carried into effect. Do you consider the Orders in Council as having produced the increased orders?—I think the Orders in Council may have produced the increased orders. On what do you found your opinion?—On a greater difficulty of supplies being thrown into the Continent from any other quarter than this.”—*Mr. R. Taylor*, p. 113, and 115.

“ Did your business receive any considerable check or interruption in either of those years?—It received considerable checks in both those years, particularly, from December, 1806, to March, 1807, when a suspension of our shipments took place; and again in August, 1807, when a total stop took place to those shipments. To what cause do you attribute the stop that took place in August?—We then received information that the Berlin decrees had been put in force, and that a number of vessels and cargoes had been seized, and that it was advisable to make no more shipments from that period, when a stop finally took place to our shipments. Was the same stop experienced at that time by other persons employed in the same branch of business with yourself?—It was by no means peculiar to our house, but to every merchant who was in the habit of exporting to the Continent; it was without any exception whatever.” *Mr. W. Hall*, p. 116, and 117.

“ Was there any and what considerable advance in such premiums after the month of August, and prior to the issuing of the British Orders in Council of November last?—Premiums to the Continent in August were four per cent.; they then rose to five, six, and seven: then the seizures in Holland took place, and no business was done for a considerable time after that; then fifteen, twenty, and thirty guineas per cent. were given, prior to the 15th of October. Do you ascribe those advances to the proceedings you have

mentioned in Holland in the month of August?—Decidedly. And from that cause the premiums did advance prior to the British orders in council to thirty per cent?—They not only advanced in consequence of the seizures in Holland, but it was with the greatest difficulty any insurance could be effected: it could not be done at any price to any considerable extent. Did the insurance continue at the high premiums you have mentioned to the end of the year.—They did, but very few of them could be done; and in short, the business was finally put a stop to by not being able to effect any considerable sums of insurance. Then in your opinion those high rates of insurance of which you speak, were not the effect of the British orders in council, but of the proceedings in Holland of which you have spoken?—Certainly; the high premiums were given prior to the orders in council, or prior to any idea of the orders in council."

—*Mr. R. Dewar*, p. 128.

"To what had the premiums fallen in August last?—I did not write any in August. I did not write any after the 10th of July, till October, except free from capture and seizure; they were done as low at that time as 20s. per cent. free of capture and seizure. I considered the premium not adequate to the risk for all risks, which I believe was about 5 guineas per cent.; but I did not write them. Was there any and what considerable advance in these premiums from the month of August to the time of the orders in council of the 11th of November?—From the great number of vessels seized in Holland, the premiums got up to 20 guineas per cent., from that to 25, to 30 guineas per cent. I underwrote a few at that rate in October, and have since paid for several"—*Mr. R. Skedden*, p. 134.

"Was there any considerable rise in premiums of insurance in the month of August?—In the latter end of August, I think the 29th we received an account of some seizures in Holland, which put a stop completely to all insurance for a time. Seizures, upon what ground?—It was understood (the impression on my mind, and I believe in general was) that it was a more strict enforcement of the Berlin decree than had previously been made. To what rate did the premiums advance when insurances were renewed in September and October?—Twenty, twenty-five, and thirty guineas were offered, and but small sums could be insured even at that. Did those high premiums continue down

to the date of the Orders in Council?—They did. Was any change produced in that respect by the Orders in Council?—I should think not.”—*Mr. S. Hadley*, p. 141.

“ Do not you understand that the operation of the Orders in Council is, if America carries on any trade at all, to force the whole of it through this country?—I understand that to be the policy of it”—*Mr. J. Inglis*, p. 152.

“ Will you please to state what were the expectations you entertained from the operation of those Orders in Council?—The expectations were, that as our trade was entirely stopped, nothing but force could repel the Berlin decree. What have been the operations produced upon your trade by the Orders in Council of the 1st November?—They have had no effect at all at present, because our trade was entirely gone. I can assure the committee that our trade was lost entirely; for when the decree at Berlin came out, we then got letters as soon as it was possible from all our correspondents, which were very numerous, with respect to the orders which he had, which on account of the Prussian war could not be effected before. They wished to have some goods, but at our own risk, saying, ‘ for at present this decree will deprive us of every thing; we shall not be able to receive them; but if you will take it upon you, send us the goods, we do not care what we pay.’ The goods were then sold fifty or a hundred per cent. dearer than I could have bought them in the market. You have presented a petition, in which you state yourself to be extremely conversant with the Orders in Council; and state your conviction to be that they will have an effect to open the trade to the Continent?—And I believe it. Have you any reason, and what, to expect that they will answer your expectations?—Because they are so distressed upon the Continent, that if the Berlin decree is not recalled or modified, they must expect a revolt upon the Continent; people cannot live; all labour stands still. Were the ports of the Continent shut by the Berlin decree, or the Orders in Council?—By the Berlin decree, not by the Orders in Council. Before the Orders in Council were issued here in November, all trade to the Continent was literally stopped?—My last invoice was made out in the month of June and Beginning of July. In the month of August I smuggled some British fine goods to Holland, but my own trade stopped on the 28th of June; that was the final stroke to

our invoice book, except a little trading business to Holland in fishing boats or something of that kind. If every thing had remained on the footing it was, and no Orders in Council had issued, could any substantial trade have been carried on?—It would have been worse; because they are forced now to take something, because they can have it no other way. In point of time, have not ships which were detained under the Berlin decree previous to the Orders in Council, been very recently condemned?—No, they were all condemned before. Do you mean that you know they were all condemned under the Berlin decree? have you any objections to state the names of the ships?—I shipped goods in the month of August from hence to Holland, which which were smuggled over in vessels; and when the ships came there they were all seized, and the goods condemned and sold for their benefit there.”—*Mr. F. Molling*, p. 157 to 163.

“Have you considered the operations of the Orders in Council dated in the month of November last?—Yes, I have. What were the expectations you entertained from the operation of those Orders in Council?—That they would counteract the French decree. Have you found, in point of fact, that the Orders in Council have counteracted the French decree?—Yes, in some measure they have. Will you state in what way?—They have brought some more orders from the Continent. Have these orders been executed?—No, at least not to my knowledge. Have you any reason to expect that you shall within any given time, and if so, what time, receive benefit from the Orders in Council?—Yes, I think the Continent cannot do without goods from this country, and that they will be obliged to modify their decrees, and admit them. Was not your trade of export to the Continent at a stand before the Orders in Council were issued?—Completely so. By what means was your trade to the Continent stopped prior to the issuing of the Orders in Council?—In consequence of the Berlin decree.”—*Mr. S. Rucker*, p. 164 and 165.

“You have stated to the House in a petition which you signed, that you have fully considered the Orders in Council?—Quite so. What effect did you expect from the Orders in Council?—That they would distress the enemy. You have stated in your petition, that they would re-open the ports of the Continent?—We expected that they would

be the consequence of distressing them. Have you found the ports of the Continent re-opened?—Not yet. When do you expect they will be?—That will depend upon the acts of the enemy. How long do you think the Orders in Council ought to exist before you can judge of their effect?—That is a question I cannot answer. On what grounds have you stated that the Orders in Council would have the effect of re-opening the ports of the Continent?—On account of their want of produce and the consequent high price. Your trade was totally at a stand then before the Orders in Council issued?—Totally so, and several ships in the month of August were either stopped on this side of the water, and are still here, or were seized in Holland.”—*Mr. J. Alleyn*, p. 165 and 166.

“Have you turned your attention to the Orders in Council of the 11th November last?—Yes, I have. What were the expectations entertained by you from those Orders in Council?—I thought that the trade to the Continent had become so circumscribed by the French decrees, that the Orders in Council would certainly tend to distress the enemy, and could have no particular effect in obstructing the general trade of this country. Was not the export trade to the Continent at a stand before the orders in Council?—So much so, that we did not think it safe to do any part of it. The Orders in Council, as far as your trade extended, did not produce that stoppage?—Not in any one shape to our house. Did not the French government send agents into Holland, to see that their decrees were carried into execution previous to the Orders in Council?—Yes, an increased number of *Duaines*.”

“Amsterdam, 21st August, 1807.—The ship *Maria* arrived here three days ago, but instead of being allowed to land her cargo, the receivers have been put under an obligation to bring the necessary proofs that he came from that port from which his papers are made out. Other ships are in similar circumstances; and it seems that our government receives very particular accounts from the Danish harbors”

“To what nation does that ship to which you have referred belong?—The ship *Maria*, captain Derby: I do not know immediately what her nation was; I rather think she was an American. What part of the year 1807 did you allude to, in what you have stated as to the increased pressure in consequence of the meeting between Bonaparte and the

King of Holland?—I think it must have been some time between July and August, 1807. From that time there was an increased rigour in the execution of the Berlin decree in Holland:—Materially so.”—*Mr. H. Burmeister*, p. 107 to 170.

The reader is requested to compare the above evidence with the following assertions of the Edinburgh Reviewers:—

Last of all comes the edict of November, 1806, and the question is, whether it was enforced or acquiesced in, more than those that had gone before it. Now, with regard to these points, it is perfectly manifest from the official correspondence on the subject, as well as from the evidence which has been recently laid before Parliament, that this edict never was enforced, nor expected to be enforced, (p. 230 and 231.) The whole tenor of the official papers, therefore, and public documents, demonstrate that the Berlin decree was *not enforced*, and of course that it was *not submitted to*, up to the date of these Orders, which proceed upon the extraordinary narrative of its having been enforced with increasing rigour, and acquiesced in by the neutral governments.—*Edinburgh Review*, No. 23, p. 232.

“If any doubts, however, could still remain as to the fact of the non-execution of the Berlin decree, they must be effectually removed by the evidence laid before the Houses of Parliament on the London and Liverpool petitions, and detailed with the most admirable clearness and force in the speech of Mr. Brougham now before us. From that evidence it appears, first, that neutral vessels were publicly and regularly chartered on voyages from this country to the continent of Europe, after the Berlin decree, in the same manner as before; and that there was no interruption in their trade up to the date of our orders in council: secondly, that the prices of articles of our colonial produce and home manufacture continued the same in the continental markets, after the Berlin decree, and down to the date of our orders in council: thirdly, that gentlemen concerned in this trade, to an extent that raised their foreign postages to near £700 in a year, never heard of a single instance of a neutral vessel being condemned in the hostile ports for being engaged in it; and, fourthly, that the rate of insurance on such voyages did not experience the least advance, in consequence of the Berlin decree, but remained precisely at the same point where it had formerly stood, till our or-

ders in council raised it so high as to put an end to the trade altogether. Although the chancellor of the Exchequer has announced his intention to call witnesses to contradict some parts of this evidence, we refer to it with the most perfect confidence in its accuracy,—not only from the unquestionable respectability of the individuals by whom it was given, but from its exact conformity with public documents, and notorious facts,—and from the circumstance, that the persons who give this testimony from their own experience, have, together with Sir Francis Baring, whose son has corroborated their whole statements, almost the sole management of that great trade, to the history of which these statements belong.”—*Edinburgh Review*, No. 23, p. 233.

Had the conclusions of the Edinburgh Reviewers been drawn from the evidence laid before Parliament, and been consistent with that impartiality which they professed, they would have stood thus: first, that the neutral vessels chartered on voyages from this country to the continent of Europe, were all seized in every port under the controul of Buonaparte, in the months of August and September last, and that the trade to the continent was then completely at an end: secondly, that the articles of our produce and home manufacture were very much advanced in the continental markets, in consequence of these seizures: thirdly, that though some gentlemen concerned in this trade to an extent that raised their foreign postages to near £700 a year, might never have heard of a single instance of a neutral vessel being condemned in the hostile ports for being engaged in it, many such vessels were seized, and never were restored: fourthly, that so far from the rate of insurance on such voyages not experiencing the least advance in consequence of the Berlin decree, but remaining precisely at the point where it formerly stood, till our orders in council raised it so high as to put an end to the trade altogether, it rose from five guineas to thirty guineas per cent in September and October last, and that the trade was put an end to altogether before the orders in council were ever heard or thought of. The veracity of the Edinburgh Reviewers can only be equalled by their impartiality. They give their most perfect confidence to the ex-parte evidence of interested witnesses, and decide without waiting to hear the opposite testimony which the Chancellor of the Exchequer had pledged himself to bring forward. *Audi alteram partem,*

Is not their motto, but *Judex damnatur, cum nocens absolvitur*; and the Chancellor of the Exchequer, whether considered in his religious or political conduct, being *nocens* in their estimation, is condemned by these upright judges without a hearing. The statements of these witnesses do not appear to be corroborated by Mr. Alexander Baring; but even if this had been the case, the observations made in this letter on his statement of the balance of trade between America and Great Britain, and of the amount of the produce of the West India colonies of the enemy, re-exported from America, shew that his opinions are not always infallible. From the circumstance of the late loan having been taken by the Messrs. Barings, the public may infer for their consolation, that these gentlemen do not foresee those disastrous consequences to the country from the Orders in council, which are foreboden by the Edinburgh Reviewers.

(b) "The first effect of the orders in council, therefore, considering as a device for extending our commerce, is to reduce our American trade from twelve millions annually, to something a little above four: that is in other words, *to strike off at one blow two-thirds of the whole foreign trade which now remains to Great Britain.*"—*Edinburgh Review*, No. 23, p. 287.

(c) "Mr. Baring has also been at the trouble of making a very full and satisfactory reply to the strange exaggerations and mistakes of the author of *War in Disguise*, with regard to the frauds which that writer asserts to have been practised under the neutral flag; and even condescends to refute the more vulgar calumnies, as to the encroaching spirit of America, and her disposition to take advantage of our present embarrassments, to advance claims which she knows to be inadmissible. Mr. Baring shows by an accurate review of our whole proceedings towards that country, from the era of her independence, that the very reverse of this is the case, and that she has submitted with very little remonstrance to the various capricious and arbitrary changes which we have made for the regulation of her neutral traffic, though some of those were of a nature the most injurious, and founded upon pretexts the most untenable."—*Edinburgh Review*, No. 23, p. 245.

"A candid consideration of the history of this trade, can leave no doubt on which side the encroachments so

much talked of began; and instead of imputing the complaints of the Americans to their desire of availing themselves of our dangers, for the ungenerous purpose of advancing extravagant pretensions, we should rather accuse ourselves of taking advantage of the unprotected state of her commerce, to harrass it by a systematic course of the most arbitrary inconsistency."—*Baring's Enquiry*, p. 97.

"If we had treated the commerce of America with the same sincerity, instead of molesting it, as we have seen, by a repetition of the most disgraceful chicane, that commerce would have suffered less, and our own ends would have been answered. Such an appeal to the good sense of the people of that country, would certainly have been less likely to produce war, than the sophistry with which they have been treated, and of which every man in it must detect the fallacy."—*Baring's Enquiry*, p. 105.

(d) "Do you know whether, previous to the 11th of November last, any manufactures were used to be conveyed to the West India islands of the enemy by means of American shipping?—Yes. Do you conceive that if the embargo were taken off in America, and the orders in council to continue, that that trade would be again carried on to the same amount as it had been carried on?—I conceive it would not be carried on at all. Have you no knowledge of the trade through the British free ports in the West Indies?—I have had no concern in that trade, and know nothing about it."—*Examinations of Witnesses on Petitions against Orders in Council—Mr. Phillips*, p. 15.

"Have you any concern in any trade carried on to any of the free ports of the West Indies?—No, not for many years; I had formerly a considerable trade. You are not particularly acquainted with the state of that trade at the present time?—No, I am not; I have not been in it for nine or ten years. Do you believe there is any house in this country which receives remittances to an equal or greater amount than the house you are engaged in?—Yes, I believe there are houses in London: there certainly is one house in London, a member of this honourable house, who receives much more than we do. Are you aware of the articles which furnish the funds from whence those remittances from the continent are made?—Chiefly sugar and coffee. From the Spanish and French Islands?—That I do not know; we know nothing but of their shipment in America.

As far as you are concerned, the trade through America to the continent, in sugar and coffee extends to more than half a million?—I conceive much more than that. To the extent to which you are concerned?—Yes, sugar, coffee, and other articles; and I have very little doubt it is the produce of the colonies of the enemy.”—*Mr. Glennie*, p. 27.

“Do you know what is the nature of the returns which are received from the British West India colonies, for the productions of America, such as flour and lumber?—I believe the returns are chiefly coffee and sugar, sometimes cotton; but the usual products of the West India islands. Do you not know that the usual practice is for ships carrying those productions to which I have alluded, to receive in return specie, and with which they proceed to the enemy’s colonies, and there purchase return cargoes?—Yes, I do; I apprehend that is but a small proportion of what they receive in return. Are you acquainted with the nature of the trade that is carried on between America, and the colonies of Spain, France, and Holland?—Not in such an extent as to offer any information to the House upon it. Do not you know that that excess of British manufacture which is sent to America, is transmitted and consumed in the enemy’s colonies?—I have no doubt of that fact. Do not you think that the same trade, were America excluded from it, could be carried on through the free ports of the British colonies in the West Indies?—I think it might, in the state of things preceding the issuing of the late Orders in council.”—*Mr. Rathbone*, p. 78.

(e) “The foreign produce re-exported amounting to £6,400,000, consisted of the following articles, viz.

Manufactured goods. . . . .	£2,200,000
Coffee. . . . .	1,695,000
Sugar. . . . .	1,300,000
All other articles. . . . .	1,205,000
<hr/>	
	£6,400,000

‘The chief article therefore of re-exportation, and of indirect trade, is the manufactures of Europe; three-fourths of which it has been shown are from this country, and thus find their way to different parts of the world, to which we have no access.’—*Baring’s Enquiry*, p. 142.

(f) The Edinburgh Review contains the following observation on the subject (No. 23, p. 237:) "Now it appears from the different documents recited by Mr. Baring, that of the manufactured goods imported into America, chiefly from this country, between two and three millions are annually re-exported to the continent of Europe." The learned critic who wrote this article, must surely have slumbered in the chair of Aristarchus, when he supposed that these goods were re-exported to the *Continent of Europe*. What strange notions must he entertain of the commerce carried on by the American merchants, to imagine that they can employ their capital in no wiser a way, than in shipping and re-shipping goods at all the expences which must necessarily be incurred on them in two distinct voyages, merely at last to get them back to Europe from whence they came? It is really hard upon Mr Baring, thus to have nonsense put into his mouth, which, to use his own words, "every clerk in the counting house of an American merchant could correct;" but such mistakes will sometimes happen, when sage and scientific gentlemen undertake the discussion of commercial subjects, without being possessed of commercial information.

(g) "In the event of the American embargo continuing, or any state of things between this country and America which prevented their trading to the enemy's colonies, would not the amount of our exports to those free ports be considerably increased? I conceive they would." *Examination of Witnesses on petitions against orders in council. Mr. J. Inglis.*

(h) "You have stated that our manufacturers have imitated most of the foreign manufactures made on the continent such as checks and stripes? They have; the linen manufactures. Is it not within your knowledge, that during the last war, while the misunderstanding between France and America continued, great quantities of those imitations were shipped to the West-Indies? Yes, I exported them to Jamaica pretty considerably. Have you exported any of those imitations lately? Not for some years back. To what do you attribute this suspension of those importations. To the falling off of the free port trade I was connected with persons engaged in that trade. I can state that of late years hardly any were exported, and it appears to have been falling off from the year 1794 and

1795, particularly, till 1800 ; and since that time I have not exported any myself. If during the period there was a misunderstanding between America and France, which prevented her accustomed trade with the continent, those imitations of the foreign fabric were exported from this country to the West-Indies, and none are exported now, do not you attribute the falling of that trade to the foreign colonies being supplied by America with continental manufactures ? certainly.' *Mr. J. Inglis*, p. 147.

(i) "Can you state to the house the usual period of credit at which goods are sold and exported to America by your house?—The nominal credit is twelve months. What may be the average period for which credit is given?—I conceive that my house does not receive its remittances from America on the average at less than eighteen months. Do you know of some instances in which a shorter credit is given?—Some kinds of Manchester goods are occasionally sold on a shorter credit. What do you conceive to be the shortest credit in your line of business?—A credit of six months. Is much business done at that credit?—If I estimate the shorter credit at about one third of the total business done to America, I conceive it as a very large allowance. From what you know of the transactions of other houses in a similar line of business, do you conceive this period of eighteen months applies to their transactions also?—From my general knowledge of the export trade to America, I should conceive the average credit is not less than fifteen months."—*Mr. Wood*, p. 2.

(k) "Are you engaged in the export and import trade from America to this country?—That is my business. But not upon your own account?—Habitually not on my own account; very rarely, and that only in particular circumstances. In what way is it, if it is not in your own account? is it simply as an agent or factor for others?—It is simply a commission broker, charging our commission on the sale, and likewise on the goods shipped by us outwards. Who are the principals who employ you?—Merchants residing in America, and merchants or manufacturers residing in this country. In those cases in which goods are sent from this country to America by order, and on account of the American merchant, upon what credit are they advanced; on what proceeds are you able to purchase them here?—Having the proceeds in our own hands, we purchase them

for prompt payment, on account of the advantage which it gives to the person for whom they are purchased."—*Mr. Martin*, p. 47 and 48.

(l) "Have you had much personal acquaintance among the merchants of America?—I have had a good deal. Do you know any thing respecting the capital employed by those merchants in trade; either from your own knowledge, or general estimation?—From general estimation, I should suppose I have known so as to see generally on 'change, or speak to, thirty merchants who could not be supposed to be worth less than 200,000 dollars, or £45,000 sterling."—*Mr. Kinder*, p. 91.

(m) "It is in truth one of the most sensible political essays that have lately appeared; far exceeding any other which has been produced by the present differences, in the rare qualities of candour and impartiality."—*Edinburgh Review*, No. 21, p. 6.

(n) "I think it proper to notice one advantage, which I have heard mentioned by persons in England, that America would derive from a war; the same thing has been mentioned in congress, viz. that of not paying the English debts. To shew how little those persons are acquainted with circumstances in proposing so unjust a measure; the fact is, that there is no time when America is carrying on her usual commerce with Europe, if a ballance was drawn, but that there would be more property in England belonging to America, than is due to England from the Americans. The exports of cotton, tobacco, &c. to England, and of the West India produce to Europe, which generally comes into the hands of English merchants, is much greater than the exports of England to America. I calculate nine millions sent to Europe, and drawn for thus: two millions at two months, two millions at six months, and five millions in fourteen months; so that if America was ever to do so unjust an act, if Great Britain retaliated by an order to prevent the merchants paying away the money in their hands, and from paying the bills accepted, there would be a gain to England."—*British American and West India interests considered, by Macall Medford, Esq.* p. 59 and 60.

(o) "It has always been supposed, that when hands are cheap and money plenty, commerce and trade will be encouraged, but not till then; but let it be remembered that

America has been both increasing in hands with an unexampled rapidity, and accumulating money, by the beneficial effects of a long interval of peace, which she has wisely and happily enjoyed. The public institutions, the manufactories, and the plans for the general encouragement to trade, have, in that country, been for years past visible upon the increase. Their banks at present amount to 73, their insurance companies to 43, the interest of money has fallen from 12 or 10 to 6 and 7 per cent; capital is so heaped up that it is common to meet thirty men possessed of £50,000 on one exchange. Four miles from any town, lands were two years ago sold at 500 dollars by the acre; a much higher price than is known in Middlesex itself."—*Speech of Henry Brougham, Esq.* p. 65.

(p) "Do you know that considerable quantities of West India produce have been taken in American vessels to the continent since the Berlin decree in the month of November, 1806?—Yes. Do you know of any such cargoes having been taken to the continent since the month of November, 1807?—No.—*Examination of Witnesses on Petitions against Orders in Council—Mr. White*, p. 56.

(q) *Baring's Enquiry*, p. 141.

(r) *Report of Committee to Enquire into the Commercial State of the British West India Colonies*, p. 17.

(r) Summary of the value of exports from the United States of America, from the 1st of October, 1805, to the 30th of September, 1806, agreeable to the report of the Treasury Department, dated the 24th of February, 1807, copied from the New York Gazette of March 13, 1807.

STATE.	AMOUNT.	IGN.	TOTAL.
New Hampshire.	411,379	383,884	795,263
Vermont.	91,732	102,043	193,775
Massachusetts.	6,621,696	14,577,547	21,199,243
Rhode Island.	949,336	1,42,499	2,091,835
Connecticut.	1,522,750	193,078	1,715,828
New York.	8,053,076	13,709,769	21,762,845
New Jersey.	26,504	7,363	33,867
Pennsylvania.	3,765,313	13,809,389	17,574,702
Delaware.	125,787	374,319	500,106
Maryland.	3,661,131	10,9,9,774	14,50,905
District of Columbia.	1,091,760	154,386	1,246,146
Virginia.	4,626,687	428,709	5,055,396
North Carolina.	786,029	3,576	789,605
South Carolina.	6,797,064	2,946,718	9,743,782
Georgia.	82,764	82,764	
Territory of the United States.	2,578,401	1,530,182	4,108,583
Ohio.	62,318	62,318	
Dollars . . .	41,253,127	60,283,236	101,536,963

(t) " You have said you are concerned in commercial dealings to New Brunswick: you are in the habit of shipping goods there?—I have shipped considerable quantities of goods there for these last twenty years. Have you shipped East India goods there?—I have. Do you at present ship any considerable quantity of East India goods there?—No, very few at present. To what cause do you assign the declension of that trade?—I will give you the reasons from some of the importers of goods: they wrote us, that it had long been a complaint from that province, that East

India goods, and particularly tea, were smuggled in there from the United States of America: we have letters to that purport here, if the committee chuse to hear them. Then you did formerly ship pretty considerable quantities of East India goods to that province, but ship very few at present?—Just so. Can you state in what proportion they have declined?—I can state what they say they should order, were it not for the smuggled goods: the letters are from respectable correspondents of ours in that part; this is one as far back as October, 1806, dated St. John, on the river St. John, in the Bay of Fundy, 22d. October. ‘In fact, ‘St. John has been principally supplied with all kinds of ‘East India goods from the United States, which is a great ‘injury to the fair trader. You will observe, that in my ‘scheme I never write for more than two boxes of sou-‘chong tea; whereas if that article could be sent from ‘London at as low a rate as smuggled from the United ‘States, I should not want less at every importation than ‘thirty boxes at least, as the consumption of that article ‘in this province is very great; they get it from New York ‘and Boston for 2s. 9d. to 3s. this currency per lb. after ‘deducting the drawbacks, (which is Halifax currency, ‘dollar five shillings, ten per cent. less than sterling.) If ‘teas, &c. could be imported from London so as to sell them ‘as cheap as the smugglers, it would be a great support to ‘this province, and prevent all the ready money from go-‘ing for those very articles, which is the cause of the great ‘scarcity of cash, which is drained to the United States.’ Then, in point of fact, the same contraband trade extends to other India articles as well as tea?—No doubt of it.—*Examinations of Witnesses on Petitions against Orders in Council—Mr. R. Schedden, p. 137.*

“Do you ship any East India goods to Trinidad?—None. Do you know of any East India goods finding their way to Trinidad through other channels?—I have heard that very considerable quantities of East India goods have been introduced to Trinidad from America; and I have heard that the collector at Trinidad has seized one ship with a considerable quantity of India goods concealed: this I have heard by report and correspondence. Can you speak, as you are concerned in the trade to Canada, to the importation of East India goods into that province?—I can speak of it, from a knowledge only that my own has almost to-

tally declined. I have been largely concerned in that trade, for many years; and we used to export from hence East India goods, and a large quantity of tea in particular: this is the season in which we make our shipments to Canada, and I am not shipping five hundred pounds worth of tea to Canada, whereas we formerly shipped more thousands worth. I can only attribute that to the supply by inland transportations to Canada, from the United States."—*Mr. J. Inglis*, p. 148.

(v) "What proportion of the whole of the trade carried on with the United States to the whole of Europe is, in one shape or other, concentrated in this country, and consequently beneficial to the commercial interests of this country?—I conceive nine-tenths: some persons are of opinion that it exceeds that in one shape or other, in insurance or remittance made here on American account. What are the data on which you draw that conclusion?—General observation. Have you any account on which you state that?—No, I have no positive data.—*Mr. A. Mann*, p. 102.

(x) "Is any trade, similar to that you have described as existing between France and Spain with this country, carried on between Holland and this country?—There has been an interruption of the import of spirits from Holland within these few months. To what cause is that interruption owing?—It is attributed to the treble bonds which are required by the government of Holland upon the exportation of spirits from that country, that the vessel shall land her cargo at the port of her apparent destination. Are similar bonds required in France?—I believe not so severe. In point of fact, no such bonds are required in France? I believe not.—*Second Report of Sugar Distillery Committee, Mr. Joshua Watson's Evidence*, p. 328 and 329.

"Do you, as an underwriter, know any thing about the importation of foreign brandies into this country for re-exportation?—As an underwriter, I have written many cargoes of brandy from this country to the North of Europe. Licenses are given for those cargoes, and the parties, to whom I have written policies of this description, have shewn me Admiralty orders to his Majesty's ships of war, to give them convoy to the mouth of the enemy's port, to which they were destined. I have never yet paid a loss by capture or seizure of the enemy, on any cargo of that description, as they have been uniformly admitted without

molestation; while, at the same time, and in the same ports, British manufactures and colonial produce have uniformly been condemned; and those cargoes which I have written of late, have, I suppose, from a conviction of their safety, been warranted free of capture in the port of their destination: Have you understood from what motive the forbearance of the enemy towards these cargoes arises?—The same policy, which leads them to prohibit all trade in the manufactures and produce of Great Britain, will naturally induce them to give every facility to the trade in their own produce and manufactures. I have understood from some of the parties for whom I had written such policies last year, that orders had been given from the French government, to admit wines and brandies into the ports in the North of Europe, even though they were shipped from Great Britain; and, from the circumstance of none of those that I underwrote having been seized, while, at the same time, other articles of every description coming from this country were seized, I believe the fact. Was that order owing to the circumstance of large French armies being in the North of Europe at that time?—There certainly were large French armies in the North of Europe at that period; but whether this order was owing solely to that circumstance I cannot say. I should presume not, from having lately written cargoes of the same description from this country to Holland.—*Second Report of Sugar Distillery Committee, Mr. Joseph Marryat's Evidence*, p. 329.

(y) "Whereas measures which have been taken by powers at war with your Majesty, prohibiting in violation of the law of nations all intercourse with this kingdom, and all trade in any articles of its growth or manufacture, have rendered it necessary for your Majesty to issue Orders in Council to counteract the disadvantages which were thereby imposed upon the trade of your Majesty's subjects, and to retaliate upon the enemy the evils which he intended to inflict upon this kingdom."—*Preamble to Orders in Council Bill*.

(z) "Would smuggling be increased by a prohibition of the trade in foreign spirits of the enemy's produce?—I think, under the present circumstances of the country, that smuggling might be more easily prevented under a prohibition, than under licenses and the present high duties."—*Second Report of Sugar Distillery Committee, Mr. Jackson's Evidence*, p. 331.







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